

**BILL NO:** House Bill 1418  
**TITLE:** **Marriage – Confidential Communication – Criminal Charge**  
**COMMITTEE:** Judiciary  
**HEARING DATE:** March 31, 2022  
**POSITION:** **SUPPORT AS AMENDED**

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House Bill 1418 would provide that a spouse may, but does not have to, reveal a confidential communication made by the other spouse, if the other spouse has committed a crime against the spouse. The Women's Law Center (WLC) supports House Bill 1418 as amended as it places the power in the hands of the victim spouse if they choose to reveal a confidential communication.

Under current law, if an abusive spouse commits an act of abuse against their spouse, and then apologizes to the victim or admits to the abuse in communications with their spouse, the apology or admission is considered a private communication between the married parties and the criminal defendant can bar the victim from testifying to what the defendant said. HB 1418, as amended, would allow the victim spouse to testify about the apology, etc. – any communication related to the crime committed by the abusive spouse against the victim spouse. The amended language is seeking to make clear to all prosecutors that the power is held in the hands of the victim and they cannot be compelled to testify. The marital privilege remains in effect for all other communications.

Part of the cycle of abuse is when the abuser has remorse and promises not to do it again, and the abuser often asks for forgiveness or apologizes. This is evidence that the act occurred. A victim spouse should be given the choice on whether or not to testify about these communications, and should not be compelled to do so.

Therefore, the Women's Law Center of Maryland, Inc. urges a favorable report on House Bill 1418 as amended.

*The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.*